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| APPLICATION NO.                           | FILING DATE    | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |  |
|---|----------------|----------------------|-------------------------|------------------|--|
| 10/699,026                                | 11/03/2003     | Steven G. Mathena    | 2144                    |                  |  |
| 75  | 590 08/14/2006 |                      | EXAMINER                |                  |  |
| Steven G. Mathena                         |                |                      | GALL, LLOYD A           |                  |  |
| 2524 Congress St. #4  Ft. Myers, FL 33901 |                |                      | ART UNIT                | PAPER NUMBER     |  |
| <b>,</b> ,                                |                |                      | 3676                    | 3676             |  |
|   |                |                      | DATE MAILED: 08/14/2006 |                  |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Advisory Action**

| Application No. | Applicant(s)       | Applicant(s)       |  |  |
|-----------------|--------------------|--------------------|--|--|
| 10/699,026      | MATHENA, STEVEN G. | MATHENA, STEVEN G. |  |  |
| Examiner        | Art Unit           |                    |  |  |
| Lloyd A. Gall   | 3676               |                    |  |  |

|  | , , , ,  | ·   |  |  |  |  |  |
|--|--|---|--|--|--|--|--|
| Before the Filing of an Appeal Brief   | Examiner   | Art Unit  |  |  |  |  |  |
|  | Lloyd A. Gall  | 3676  |  |  |  |  |  |
| The MAILING DATE of this communication appe  | ears on the cover sheet with the c   | correspondence add                                    | ress                                     |  |  |  |  |
| THE REPLY FILED <u>24 July 2006</u> FAILS TO PLACE THIS APP  | PLICATION IN CONDITION FOR A   | LLOWANCE.   |  |  |  |  |  |
| . ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: |  |   |  |  |  |  |  |
| a) The period for reply expires <u>5</u> months from the mailing date of the final rejection. b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no  |  |   |  |  |  |  |  |
| b) The period for reply expires on: (1) the mailing date of this Adv event, however, will the statutory period for reply expire later the Examiner Note: If box 1 is checked, check either box (a) or (b) MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f   | an SIX MONTHS from the mailing date o<br>. ONLY CHECK BOX (b) WHEN THE FI                      | f the final rejection.                                |  |  |  |  |  |
| Extensions of time may be obtained under 37 CFR 1.136(a). The date on<br>peen filed is the date for purposes of determining the period of extension a<br>CFR 1.17(a) is calculated from: (1) the expiration date of the shortened sta<br>above, if checked. Any reply received by the Office later than three month<br>parned patent term adjustment. See 37 CFR 1.704(b).<br>NOTICE OF APPEAL   | and the corresponding amount of the fee.<br>atutory period for reply originally set in the     | The appropriate extension final Office action; or (2) | on fee under 37<br>as set forth in (b)   |  |  |  |  |
| The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  |  |   |  |  |  |  |  |
| AMENDMENTS   |  |   |  |  |  |  |  |
| The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below); (b) They raise the issue of new matter (see NOTE below);   |  |   |  |  |  |  |  |
| (c) They are not deemed to place the application in being appeal; and/or   |  |   | the issues for                           |  |  |  |  |
| (d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).  |  | ejected claims.                                       |  |  |  |  |  |
| 4. The amendments are not in compliance with 37 CFR 1.1  |  | ompliant Amendment                                    | (PTOL-324)                               |  |  |  |  |
| 5. Applicant's reply has overcome the following rejection(s  |  |   | . (, , , , , , , , , , , , , , , , , , , |  |  |  |  |
| 6. Newly proposed or amended claim(s) would be a the non-allowable claim(s).   |  | , timely filed amendm                                 | nent canceling                           |  |  |  |  |
| 7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:   |  | rill be entered and an                                | explanation of                           |  |  |  |  |
| Claim(s) allowed: Claim(s) objected to:  |  |   |  |  |  |  |  |
| Claim(s) rejected: <u>1-3</u> .  |  |   |  |  |  |  |  |
| Claim(s) withdrawn from consideration:   |  |   |  |  |  |  |  |
| AFFIDAVIT OR OTHER EVIDENCE  3. The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an and was not earlier presented. See 37 CFR 1.116(e).  |  |   |  |  |  |  |  |
| <ul> <li>The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to a showing a good and sufficient reasons why it is necessar</li> <li>The affidavit or other evidence is entered. An explanation</li> </ul>  | overcome <u>all</u> rejections under appery and was not earlier presented. S                   | al and/or appellant fa<br>See 37 CFR 41.33(d)(        | ils to provide a (1).                    |  |  |  |  |
| REQUEST FOR RECONSIDERATION/OTHER  | of the states of the stating after   | only is below or allac                                | orica.                                   |  |  |  |  |
| 11. The request for reconsideration has been considered bu   | ut does NOT place the application i  | n condition for allowa                                | ance because:                            |  |  |  |  |
|  | 2. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). |   |  |  |  |  |  |
| I3. ☑ Other: <u>See Continuation Sheet</u> .   | Lioyd A  | yd (). Wall   |  |  |  |  |  |
|  | Primary E  | xaminer   |  |  |  |  |  |

Continuation of 13. Other: The drawing correction of 7/24/06 is approved. The objection to claims 1-3 in the last paragraph of page 2 of the Final rejection of March 3, 2006 is withdrawn. It is noted that the status identifier of claims 1-3 should have read --Currently amended--, as set forth on page 2, the second paragraph of the last Final rejection. The current identifier of "twice amended" will be acceptable for now, but such identifier must be corrected before any future allowance of the claims.